

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:20-cr-176-TPB-AEP

MICHAEL CORY JENKINS,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on the report and recommendation of Anthony E. Porcelli, United States Magistrate Judge, entered on May 13, 2021. (Doc. 78). Judge Porcelli recommends that the Court grant in part, and deny in part, Defendant's "Motion to Suppress" (Doc. 27). Defendant filed an objection to the report and recommendation on May 25, 2021. (Doc. 79). Upon review of the report and recommendation, objection, court file, and record, the Court finds as follows:

Under the Federal Magistrates Act, Congress vests Article III judges with the power to "designate a magistrate judge to hear and determine any pretrial matter pending before the court," subject to various exceptions. 28 U.S.C. § 636(b)(1)(A). The Act further vests magistrate judges with authority to submit proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1)(B). After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate

judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982).

After careful consideration of the record, including Judge Porcelli's report and recommendation, the Court overrules Defendant's objections and adopts the report and recommendation. The Court agrees with Judge Porcelli's well-reasoned findings and conclusions. Consequently, Defendant's "Motion to Suppress" is granted in part and denied in part. Defendant's statements in response to questions by Detective Guzina and Officer Cotignola will be suppressed because the statements were obtained in violation of Defendant's Fifth Amendment rights. The motion is otherwise denied, and all other statements and evidence will not be suppressed.

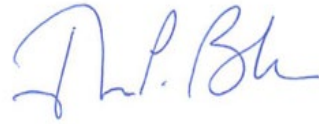
Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Porcelli's report and recommendation (Doc. 78) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Defendant's "Motion to Suppress" (Doc. 27) is **GRANTED IN PART** and **DENIED IN PART**.
- (3) The motion is **GRANTED** to the extent that statements made by Defendant in response to Detective Guzina and Officer Cotignola's questions will be suppressed.

(4) The motion is otherwise **DENIED**. All other statements and evidence will not be suppressed.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 8th day of June, 2021.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**